

Docket No. 74768-BAA-PCT-US/JPW/GJC/JRMCJG  
S

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael Wayne Graham et al.

Serial No. : 10/821,710 Examiner: Schnizer, Richard A.

Filed : April 8, 2004 Group Art Unit: 1635

For : CONTROL OF GENE EXPRESSION

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: February 7, 2008

Sir:

Transmitted herewith is an amendment to the above-identified application.

- \_\_\_\_ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.
- \_\_\_\_ A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.
- \_\_\_\_ No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For <sup>1</sup>	Number of Extra Claims Presented	RATE		FEE	
				Small Entity	Other Entity	Small Entity	Other Entity
Total Claims	<u>39</u>	* <u>55</u> =	*** <u>0</u> X	\$25	\$50	=	<b>0.00</b>
Independent Claims	<u>1</u>	** <u>3</u> =	*** <u>0</u> X	\$105	\$210	=	<b>0.00</b>
Multiple Dependent Claim(s) Presented For First Time Yes <input checked="" type="checkbox"/> No				\$185	\$370	=	<b>0.00</b>
				TOTAL ADDITIONAL FEE \$ 0.00			

<sup>1</sup> The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.  
\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.  
\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.  
\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".



Applicant(s) : **Michael Wayne Graham et al.**  
Serial No. : **10/821,710**  
Filed : **April 8, 2004**  
Amendment Transmittal Letter  
Page 2

The following are also enclosed:

- One additional copy of this Amendment Transmittal Letter  
 Return Receipt Postcard  
 An Information Disclosure Statement, including Form PTO-1449  
(Copies of citations included: Yes \_\_\_\_\_ No \_\_\_\_\_  
and a fee of \$ \_\_\_\_\_ included)  
 A Petition for an Extension of Time, including a fee of  
**\$ 1,050.00** for a Petition for **3** Month(s) Extension of Time  
 Other (identify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE TOTAL FEE DUE IS \$ **1,050.00**.

- A check in the amount of \$ **1,050.00** is enclosed.  
 Please charge Deposit Account No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_.  
 The Commissioner is hereby authorized to charge any additional fees  
required or credit any overpayment to Deposit Account No. **03-3125**  
as follows:  
 Fees under 37 C.F.R. §1.16 for the presentation of extra claims  
 Patent application processing fees under 37 C.F.R. §1.17

Respectfully submitted,

John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicant(s)  
Cooper & Dunham LLP (Customer #23432)  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450.	
<span style="font-family: cursive;">Date</span> <b>2/7/08</b>	
Gary J. Gershik Reg. No. 39,992	



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and a fee of \$ \_\_\_\_\_ included)

A Petition for an Extension of Time, including a fee of  
\$1,050.00 for a Petition for 3 Month(s) Extension of Time

Other (identify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE TOTAL FEE DUE IS \$ 1,050.00.

A check in the amount of \$ 1,050.00 is enclosed.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_.

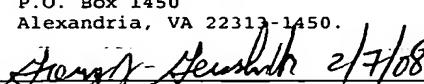
The Commissioner is hereby authorized to charge any additional fees required or credit any overpayment to Deposit Account No. 03-3125 as follows:

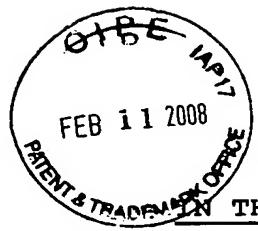
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Respectfully submitted,



John P. White  
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 Gary J. Gershik Reg. No. 39,992	2/7/08



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February 7, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT IN RESPONSE TO AUGUST 7, 2007 OFFICE ACTION  
AND PETITION FOR THREE-MONTH EXTENSION OF TIME**

This Amendment is submitted in response to the August 7, 2007 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the August 7, 2007 Office Action was due November 7, 2007. Applicants hereby petition under 37 C.F.R. §1.136(a) for a three-month extension of time. The fee for a three-month extension of time under 37 C.F.R. § 1.17(a)(3) is one thousand and fifty dollars (\$1,050.00) and a check for this amount is enclosed. With a three-month extension of time, a response to the August 7, 2007 Office Action is due February 7, 2008. Accordingly, this Amendment is being timely filed.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

02/12/2008 CNEGA1 00000007 10821710

01 FC:1253

1050.00 OP

Please amend the subject application as follows: